

407 - PUBLIC UTILITIES COMMISSION

CHAPTER 510 - AUTHORIZATION AND OPERATION OF FERRIES IN CASCO BAY

SUMMARY: This rule governs authorization and operation of ferries in Casco Bay pursuant to Chapter 51 of Title 35-A.

§1 PURPOSE

This rule governs ferry service in Casco Bay. For purposes of this rule, ferry service means any waterborne transportation service of passengers and/or freight in Casco Bay stopping at one or more of the following islands: Chebeague, Cliff, Great Diamond, Long and Peaks; that is not charter, tour, water taxi or unscheduled freight service, as defined in Chapter 520 of the Commission's rules.

§2. OPERATING SCHEDULES

A ferry service provider shall maintain copies of its current operating schedules in its principal terminal. The operating schedule shall be open to public inspection during normal business hours and be made available to the Commission upon request.

§3. RATE SCHEDULES AND TERMS AND CONDITIONS

A. Ferry service providers shall file with the Commission a rate schedule and its terms and conditions of service showing all fares, charges, and terms and conditions which it has established and which are in force at the time for any service rendered or furnished or to be rendered or furnished, including all rates and charges established for the transportation of property when such transportation has been authorized by the Commission. The rate schedule and terms and conditions of service shall set forth all rules and regulations that in any manner affect fares and charges and the rates and charges assessed or to be assessed for any service. The Commission may investigate and suspend the operation of any rate schedule and term or condition of service filed with the Commission in accordance with Title 35-A and other applicable law.

B. A copy of the passenger and freight rate schedules and terms and conditions of service shall be kept on file at the carrier's principal terminal and shall be readily available for public inspection.

§4. REQUEST FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Any person, except for Casco Bay Island Transit District, created by Private and Special Law 1981, Chapter 22, seeking to provide scheduled service transporting passengers or property by vessel for compensation between the mainland of Cumberland County and Peaks Island, Great Diamond Island, Little Diamond Island,

Long Island, Chebeague Island or Cliff Island or between these islands, must file a request with the Commission for a certificate of public convenience and necessity consistent with the requirements in Title 35-A, Chapter 51. Persons seeking to provide unscheduled tour, charter, water taxi and unscheduled freight service must comply with the requirements in Chapter 520 of the Commission's Rules.

5. WAIVER

Upon the request of any persons subject to this Chapter or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of Technical Analysis, or the presiding officer assigned to a proceeding related to this Chapter may grant this waiver.

BASIS STATEMENT: The factual and policy basis for the original rule is set forth in the Commission's Order Adopting Rule, Commission Docket No. M.207 (File No. 15,273) which took effect on June 21, 1979. The factual and policy basis for the subsequently promulgated amendments is set forth in the Commission's Order Adopting Rule and Statement of Factual and Policy Basis, Docket No. 86-92, issued November 4, 1986 and Order Adopting Amended Rule, Docket No. 2000-554, issued on September 19, 2000. Copies of the Statements and Orders have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, State House Station #18, Augusta, Maine 04333-0018.

AUTHORITY: 35-A M.R.S.A. §§ 5101, 5101-A – 5101-F, 5102 – 5107.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on 09/22/00. It was filed with the Secretary of State on 09/26/00 and will be effective on 10/01/00.